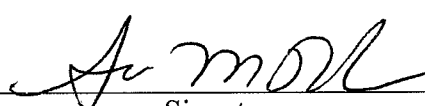


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q79183	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/788,471	March 1, 2004	
	First Named Inventor		
	Ulrich SINN		
	Art Unit	Examiner	
	2618	Wen Wu HUANG	
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>48,294</u></p> <div style="text-align: right;">  Signature </div> <div style="text-align: right;"> <u>Allison M. Tulino</u> Typed or printed name </div> <div style="text-align: right;"> <u>(202) 293-7060</u> Telephone number </div> <div style="text-align: right;"> <u>December 13, 2007</u> Date </div>			

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79183

Ulrich SINN

Appln. No.: 10/788,471

Group Art Unit: 2618

Confirmation No.: 7558

Examiner: Wen Wu HUANG

Filed: March 1, 2004

For: METHOD FOR TRANSMITTING SAFETY RELATED DATA

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated July 13, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

As of the final rejection, dated July 13, 2007, claims 1, 14 and 15 are rejected under 35 U.S.C. § 112, first paragraph, claims 1-4, 9-12, 14 and 15 are rejected under 35 U.S.C. § 102(e) and claims 5-8 and 13 are rejected under 35 U.S.C. § 103(a).

Regarding the rejections under 35 U.S.C. § 112, first paragraph, Applicant deleted the term "continuously" from claims 1, 14 and 15 in the October 12, 2007 Amendment. In the November 13, 2007 Advisory Action, the Examiner indicated that the amendments would be

entered for purposes of appeal. Accordingly, Applicant submits that the rejections under 35 U.S.C. § 112, first paragraph are now moot.

Applicant now turns to the prior art rejections.

I. Rejections under 35 U.S.C. § 102(e) in view of U.S. Patent No. 7,073,083 to Litwin Jr., et al. (“Litwin”)

The Examiner has rejected claims 1-4, 9-12, 14 and 15 under 35 U.S.C. § 102(e) as allegedly being anticipated by Litwin.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites, “providing a first radio link between the radio transmitter and the radio receiver for transmitting safety related information data; and providing a second radio link between the radio transmitter and the radio receiver for transmitting non-safety related information data.”

The Examiner maintains that Litwin discloses the above features. In particular, the Examiner maintains that channels 106 and 108 of Figure 1 disclose the claimed first and second radio links. Applicant submits, however, that channel 106 is the only channel that actually transmits a type of information “data.” For example, as set forth, the devices 102 each may transmit or receive data via the data channel 106 (col. 2, lines 34-36). On the other hand, the channel 108 is merely used to permit or authorize the devices 102 to transmit the data (col. 2, lines 36-41). If congestion arises due to a malfunctioning device 102, one or more of the devices 102 is shut down by an emergency shutdown signal transmitted via the channel 108 (col. 2, lines 52-57). Thus, the channel 106 is used for transmission of actual data, while the channel 108 is

merely used for control/command purposes. Accordingly, Litwin fails to teach or suggest the claimed first and second link.

In the November 13, 2007 Advisory Action, the Examiner refers to column 3, lines 55-57 of Litwin and again maintains that channel 108 transmits information data. As set forth, however, the signal is disclosed as containing the command to shut down a device along with the network address of the device 102 to which the signal must be transmitted. Applicant submits that the shutdown command and the address to which the command must be transmitted fail to teach or suggest the claimed transmission of safety-related information data (i.e., the network address is not information “data”).

Furthermore, claim 1 recites, “wherein the first radio link and the second radio link are two physical channels that contemporaneously transmit the information data in parallel.”

As set forth above, the channel 108 of Litwin is merely used for transmittance of control commands or for authorization purposes. There is no teaching or suggestion, in Litwin, of channels 106 and 108 actually transmitting “data” in parallel “contemporaneously,” as recited in claim 1. In the November 13, 2007 Advisory Action, the Examiner refers to Figure 3 and column 5, lines 40-45 and 48-51 of Litwin as disclosing the contemporaneous transmission of information data in parallel. The cited portion, however, fails to disclose any “contemporaneous” transmission of data in parallel. Rather, the cited portion of Litwin merely indicates that if the master device determines a malfunctioning slave device, i.e., a device that transmits data over data channel 106 after its time slot has expired, the master device transmits the command signal to shut down the slave device.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference.

B. Claims 2-4 and 9-12

Since claims 2-4 and 9-12 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 14 and 15

Since claims 14 and 15 contain features that are analogous to the features discussed above for claim 1, Applicant submits that such claims are patentable for at least analogous reasons as claim 1.

II. Rejections under 35 U.S.C. § 103(a) in view of Litwin and U.S. Patent No. 6,893,395 to Kraus et al. (“Kraus”)

The Examiner has rejected claims 5-8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Litwin in view of Kraus. However, since claims 5-8 are dependent upon claim 1, and Kraus fails to cure the deficient teachings of Litwin, in regard to claim 1, Applicant submits that claims 5-8 are patentable at least by virtue of their dependency.

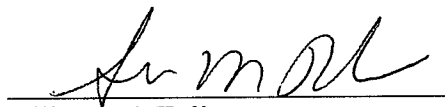
III. Rejection under 35 U.S.C. § 103(a) in view of Litwin and U.S. Patent No. 7,103,344 to Menard (“Menard”)

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) in view of Litwin and Menard. However, since claim 13 is dependent upon claim 1, and Menard fails to cure the

Pre-Appeal Brief Request for Review
U.S. Application No. 10/788,471

deficient teachings of Litwin, in regard to claim 1, Applicant submits that claim 13 is patentable at least by virtue of its dependency.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. M. Tulino", is written over a horizontal line.

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 13, 2007